

H.126 – Forest Partnership Recommendations

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An act relating to community resilience and biodiversity protection

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. SHORT TITLE

This act may be cited as the “Community Resilience and Biodiversity Protection Act” or “CRBPA.”

Sec. 2. FINDINGS

The General Assembly finds:

(1) Nature is facing a catastrophic loss of biodiversity, both globally and locally.

(2) In addition to its intrinsic value, biodiversity is essential to human survival.

(3) According to the United Nations:

(A) one million species of plants and animals are threatened with extinction;

(B) human activity has altered almost 75 percent of the Earth’s surface, squeezing wildlife and nature into ever-smaller natural areas of the planet;

(C) the health of ecosystems on which humans and all other species depend is deteriorating more rapidly than ever, affecting the very foundations

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1 of economies, livelihoods, food security, health, and quality of life worldwide;

2 and

3 (D) the causes of the drivers of changes in nature rank as follows:

4 (i) changes in land, water, and sea use;

5 (ii) direct exploitation of organisms;

6 (iii) climate change;

7 (iv) pollution, and

8 (v) invasive species.

9 (4) The 2017 Vermont Forest Action Plan found that fragmentation and
10 parcelization represent major threats to forest health and productivity and
11 exacerbate the impacts of climate change.

12 (5) In 2022 Acts and Resolves No. 183, Department of Forests, Park and
13 Recreations was tasked with developing a Vermont Forest Future Strategic
14 Roadmap to strengthen, modernize, promote, and protect the forest products
15 sector, the greater forest economy, and promote the importance of healthy,
16 resilient, and sustainably managed working forests that provide a diverse array
17 of high-quality products now and in the future.

18 (6) The 2021 Vermont Climate Assessment highlights an increase in
19 extreme weather events such as droughts and floods as a significant impact of
20 climate change in Vermont and recommends nature-based solutions as a
21 proven, low-cost strategy for climate adaptation and resilience.

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1 (7) The initial Vermont Climate Action Plan calls for investing in
2 strategic conservation to increase the pace of permanent conservation towards
3 30 by 30 targets, with Vermont Conservation Design guiding prioritization of
4 efforts.

5 (8) Freshwater vertebrate populations have declined by 84% globally
6 since 1970, twice the rate of decline of biodiversity in terrestrial and marine
7 biomes. Almost one in three freshwater species are threatened with extinction.

8 (9) Approximately 75% of all river miles assessed in Vermont are
9 disconnected from their floodplains, indicating degradation and exacerbating
10 flood-related damages.

11 (8) The Nature Conservancy has developed the Resilient and Connected
12 Landscapes project and found that Vermont plays a key role in the
13 conservation of biodiversity regionally.

14 (9) The Staying Connected Initiative is an international partnership of
15 public and private organizations. Its goal is to maintain, enhance, and restore
16 landscape connectivity for wide-ranging mammals across the Northern
17 Appalachians-Acadian region, from the Adirondack Mountains to the Maritime
18 Provinces. The Staying Connected Initiative has identified nine linkages
19 across this vast region that are extremely important to wildlife. Six of these
20 linkages lie within Vermont.

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1 (10) The Vermont Department of Fish and Wildlife, working within the
2 Agency of Natural Resources and with Vermont conservation organizations,
3 has developed Vermont Conservation Design, a framework to sustain the
4 State’s ecologically functional landscape into the future.

5 (11) Intact and connected ecosystems support Vermont’s biodiversity,
6 reduce flood risks, mitigate drought, and sequester and store carbon.

7 (12) Vermont’s most effective and efficient contribution to conserving
8 biological diversity and maintaining a landscape resilient to climate change is
9 to conserve an intact and connected landscape.

10 (13) In order to maintain ecological functions in intact and connected
11 ecosystems, the full range of conservation approaches is needed, including
12 supporting private landowner education, technical assistance, and programs;
13 conservation easements that promote sustainable forest management; and
14 conservation easements and fee acquisitions focused on passive management.

15 (14) The Vermont Housing Finance Agency’s 2020 Housing Needs
16 Assessment projected an urgent pre-pandemic need for new housing. Strategic
17 investment in conservation is consistent with construction of housing in
18 Vermont’s villages and town centers.

19 (15) The land and waters, forests and farms, and ecosystems and natural
20 communities in Vermont are the traditional and unceded home of the Abenaki
21 people. Access to land and land-based enterprises has excluded Black,

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1 Indigenous, and Persons of Color (BIPOC) Vermonters and others from
2 historically marginalized and disadvantaged communities in the centuries of
3 European settlement. Efforts to increase land conservation must also include
4 opportunities to increase access to land and land-based enterprise for
5 Indigenous People and all who come from historically marginalized and
6 disadvantaged communities.

7 Sec. 3. 10 V.S.A. chapter 89 is added to read:

8 CHAPTER 89. COMMUNITY RESILIENCY AND BIODIVERSITY

9 PROTECTION

10 § 2801. DEFINITIONS

11 As used in this section:

12 (1) “Ecological reserve area” means an area having permanent
13 protection from conversion of natural land cover and that is managed to
14 maintain a natural state within which natural ecological processes and
15 disturbance events are allowed to proceed with minimal interference.

16 (2) “Biodiversity conservation area” means an area having permanent
17 protection from conversion of natural land cover for the majority of the area
18 and that is managed for the primary goal of sustaining species or habitats.

19 These areas may include regular, active interventions to address the needs of
20 particular species or to maintain or restore habitats.

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1 (3) “Natural resource management area” means an area having
2 permanent protection from conversion of natural land cover for the majority of
3 the area but that is subject to long-term, sustainable forest-land management.

4 (4) “Conversion” means a fundamental change in natural ecosystem type
5 or habitat, natural or undeveloped land cover type, or natural morphology
6 form and function of aquatic systems.

7 (5) “Sustainable forest-land management” means the stewardship and
8 use of forests and forestlands, grasslands, wetlands, riparian areas, and other
9 lands, including the types of agricultural lands that support biodiversity, in a
10 way, and at a rate, that maintains or restores their biodiversity, productivity,
11 regeneration capacity, vitality, and their potential to fulfill, now and in the
12 future, relevant ecological, economic, and social functions at local, State, and
13 regional levels, and that does not degrade ecosystem function.

14 (6) “Conserved” means permanently protected and meeting the
15 definition of ecological reserve area, biodiversity conservation area, or natural
16 resource management area as defined in this section for purposes of meeting
17 the 30 percent goal in section 2802(b) of this title. For purposes of meeting the
18 50 percent goal of section 2802(b) of this title, “conserved” primarily means
19 permanently protected and meeting the definition of ecological reserve area,
20 biodiversity conservation area, or natural resource management area as defined
21 in this section, although other long-term land protection mechanisms and

1 measures that achieve the goals of Vermont Conservation Design, that are
2 enforceable and accountable, and which support an ecologically functional and
3 connected landscape, may be considered.

4 § 2802. CONSERVATION VISION AND GOALS

5 (a) The vision of the State of Vermont is to maintain an ecologically
6 functional landscape that sustains biodiversity, maintains landscape
7 connectivity, supports watershed health, promotes climate resilience, supports
8 working farms and forests, provides opportunities for recreation and
9 appreciation of the natural world, and supports the historic settlement pattern
10 of compact villages surrounded by rural lands and natural areas.

11 (b) It is the goal of the State that 30 percent of Vermont’s total land area
12 shall be conserved by 2030, and 50 percent of the State’s total land area shall
13 be conserved by 2050. The Secretary of Natural Resources shall lead the effort
14 in achieving these goals. The land conserved shall include State, federal,
15 municipal, and private land.

16 (c) Reaching 30 percent by 2030 and 50 percent by 2050 shall include a
17 mix of ecological reserve areas, biodiversity conservation areas, and natural
18 resource management areas. In order to support an ecologically functional and
19 connected landscape with sustainable production of natural resources and
20 recreational opportunities, the approximate percentages of each type of
21 conservation category shall be guided by the principles of conservation science

1 and the conservation targets within Vermont Conservation Design, prioritizing
2 ecological reserve areas to protect highest priority natural communities and
3 maintain or restore old forests.

4 § 2803. CONSERVED LAND INVENTORY

5 (a) On or before July 1, 2024, the Vermont Housing and Conservation
6 Board, in consultation with the Secretary, shall create an inventory of
7 Vermont’s conserved land and conservation policies to serve as the basis of
8 meeting the conservation goals of Vermont Conservation Design and to meet
9 the goals established in section 2802 of this title. The inventory shall be
10 submitted for review to the House Committees on Environment and Energy
11 and on Agriculture, Food Resiliency, and Forestry and the Senate Committee
12 on Natural Resources and Energy.

13 (b) The inventory shall include:

14 (1) a review of the three conservation categories defined in section 2801
15 of this title and suggestions for developing any modifications or additions to
16 these categories that maintain or complement the core concepts of ecological
17 reserve areas, biodiversity conservation areas, and natural resource
18 management areas in order to complete the conserved land inventory and
19 inform the comprehensive strategy in the conservation plan. As part of this
20 review, criteria shall be developed to determine the types of agricultural lands

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1 that will qualify as supporting and restoring biodiversity and therefore count
2 towards the natural resource management area category;

3 (2) the amount of conserved land in Vermont that fits into each of the
4 three conservation categories defined in section 2801 of this title, including
5 public and private land. The inventory shall also include other lands
6 permanently protected from development by fee ownership or subject to
7 conservation easements;

8 (3) a summary of the totality of conservation practices, both permanent
9 and intermediate, available for reaching the goals of this chapter, including
10 what they are, what they do, how they contribute, and what metrics are
11 available to quantify them;

12 (4) an assessment of how State lands will be used to increase conserved
13 ecological reserve areas;

14 (5) the implementation methods that could be utilized for achieving the
15 goals of this chapter using Vermont Conservation Design as a guide;

16 (6) a review ~~n assessment~~ of how ~~water~~ aquatic systems are currently
17 conserved or otherwise protected in the State, including a description of the
18 benefits land conservation provides for aquatic systems, ~~and~~ whether this is
19 sufficient to maintain aquatic system functions and services, and how the
20 implementation methods for achieving the goals of this chapter using Vermont
21 Conservation Design as a guide would include specific strategies for

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1 protecting aquatic system health; and how the plan will address is protected in
2 the State and how protection of aquatic systems may be addressed in the plan
3 to achieve the vision and goals of this title;

4 (7) how existing programs will be used to meet the permanent,
5 nonconversion conservation vision and goals of this chapter and
6 recommendations for new programs, if any, that will be needed to meet the
7 goals;

8 (8) an assessment of existing funding and recommendations for new
9 funding sources that will be needed for acquisition of land, purchase or
10 donation of conservation easements, staffing capacity, and long-term
11 stewardship to meet the goals;

12 (9) an equity assessment of existing land protection and conservation
13 strategies and programs; and

14 (10) an evaluation of the opportunities related to intergenerational land
15 transfer trends and how the State could proactively direct resources to achieve
16 conservation at the time of transfer.

17 § 2804. CONSERVATION PLAN

18 (a) On or before December 31, 2025, the Vermont Housing and
19 Conservation Board, in consultation with the Secretary, shall develop a plan to
20 implement the conservation goals of Vermont Conservation Design and to
21 meet the visions and goals established in section 2802 of this title. The plan

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1 shall be submitted for review to the House Committees on Environment and
2 Energy and on Agriculture, Food Resiliency, and Forestry and the Senate
3 Committee on Natural Resources and Energy.

4 (b) The plan shall include:

5 (1) a comprehensive strategy for achieving the **visions and** goals of
6 section 2802 of this title while continuing to conserve and protect Vermont’s
7 agricultural land, working forests, historic properties, recreational lands, and
8 surface waters;

9 (2) the implementation methods for achieving the vision and goals of
10 this chapter using Vermont Conservation Design as a guide;

11 (3) recommendations to increase equitable access to protected and
12 conserved lands and land-based enterprises; and

13 (4) recommendations to implement the vision and goals of this chapter
14 while also enhancing the State of Vermont’s current investments and
15 commitments to working lands enterprises, rural landowners, and the broad
16 conservation mission implemented by the Secretary and VHCB, including
17 conservation of agricultural land, working forests, historic properties,
18 recreational lands, and surface waters.

19 (c) In developing the plan, the **Vermont Housing and Conservation Board,**
20 **in consultation with the Secretary,** shall hold 12 or more public meetings on
21 the plan between July 1, 2023 and December 31, 2025 to solicit input from

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1 stakeholders. Stakeholders shall include private owners of forestlands and
2 agricultural lands, land trusts, conservation organizations, environmental
3 organizations, working lands enterprises, outdoor recreation groups and
4 businesses, Indigenous groups and representatives from historically
5 marginalized and disadvantaged communities, watershed groups,
6 municipalities, regional planning commissions, conservation commissions, and
7 relevant State and federal agencies. At least three of the meetings shall be
8 designed to solicit comments from the general public.

9 (d) The conserved land inventory established in 2803 of this title shall be
10 updated biennially to track progress toward meeting the visions and goals of
11 this chapter, which shall be publicly available, and the Secretary shall submit a
12 report to the relevant committees on or before January 15 following each
13 update.

14 Sec. 4. APPROPRIATION

15 The sum of \$75,000.00 is appropriated from the General Fund to the
16 Vermont Housing and Conservation Board in fiscal year 2024 to support
17 public education and outreach to inform the development of the statewide
18 conservation plan.

19 The sum of \$150,000.00 is appropriated from the General Fund to the
20 Agency of Natural Resources in fiscal year 2024 to hire a limited-service
21 position to support the development of the statewide conservation plan.

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1 Sec. 5. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.